

### **REMARKS**

Claims 21, 22, 24-26 and 28-33 are pending in the present application. Claims 21, 22, 24-26 and 28-33 stand rejected under 35 USC §103. Claims 1-20, 22, 23, 27 and 34-40 have been canceled. Applicants have currently amended claims 21 to more particularly point out applicants' invention.

Applicants confirm that all claims are commonly owned. Applicants object to the finality of the present Office Action. In light of new grounds for rejection, applicants respectfully request that the Examiner withdraw the finality of the present Office Action.

Applicant has amended claim 21 to limit the claim to a gradient surface deposited over a platinum gray surface. Specifically :

a first surface coating on said substrate surface, said first surface coating comprised of platinum gray;  
a second surface coating over said first surface coating, said second surface coating comprised of a gradient composition, said gradient composition further comprised of alternating layers including a plurality of platinum layers and a plurality of iridium oxide layers.

The art of reference does not show the invention a currently claim either singly or in combination. The Examiner asserts that Brennan shows fractalized platinum of which platinum gray is a specific type. Brennan specifically states that his electrode uses platinum black. While platinum grey has a fractalized surface, it is not a type of platinum black (see applicant's US Patent 6,974,533.

### **Conclusion**

In view of the above, reconsideration and allowance of all claims are respectfully solicited. If for any reason the Examiner finds the application other than in condition for allowance, and the Examiner believes that a teleconference may be helpful, the Examiner is invited to call the undersigned attorney at (818) 833-5055 to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is authorized to charge any additional fees, which may be required or credit overpayment to deposit account no. 50-0922. In particular, if this response is not timely

filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 50-0922.

Respectfully submitted,

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